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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,196	11/28/2000	John Redford	12407-004001	7887

26161 7590 11/18/2003

FISH & RICHARDSON PC  
225 FRANKLIN ST  
BOSTON, MA 02110

EXAMINER
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MEONSKE, TONIA L

ART UNIT	PAPER NUMBER
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2183

DATE MAILED: 11/18/2003

*8*

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/724,196

Applicant(s)

REDFORD, JOHN

Examiner

Tonia L Meonske

Art Unit

2183

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8,9 and 11-18 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 and 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Attempts on November 4 and November 5 were made to contact Peter Devlin at 617-542-5070. Examiner found IDS 1449 documents, papers 5 and 6, however, Applicant submitted a large amount of other references that are not cited in a corresponding 1449 document or equivalent in the case. These references are not officially of record. If Applicant would like these non-cited references considered and made officially of record, then a 1449 listing these references should be submitted to the office with the appropriate fees. If Applicant has proof of submitting a 1449 listing these references in the case before the first office action was sent, Applicant is requested to send a copy of the filing receipt and a copy of the previously submitted IDS.

### ***Drawings***

2. This application lacks formal drawings. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Objections***

4. Claim 16 is objected to because of the following informalities: Claim 16 lacks a period at the end of the claim. Please add a period after the limitation "establishing". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 9, 11, 12, 13, 14, 15, 16, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gifford, US Patent 4,873,626.

7. Referring to claim 14, Gifford has taught an instruction set executed by datapaths during conditional processing, comprising an instruction that causes the datapaths to

- a. establish a state of PE states of the datapaths for conditional processing (Gifford, Figure 11, column 16, lines 32-64),
- b. determine whether the established PE states of all of the data paths are disabled (Gifford, Figure 11, element 212, column 16, lines 32-64), and branch around the conditional processing if the established PE states of all of the data paths are disabled (Gifford, Figure 11, column 16, lines 32-64, When there are no processing elements enabled, or there aren't any processing elements enabled, then the conditional processing of element 213 is branched around.).

8. Referring to claim 15, Gifford has taught the instruction set of claim 14, as described above, and wherein the conditional processing includes an if-processing block (Gifford, Figure 11, column 16, lines 32-64, see CONSEQUENT code.).

9. Referring to claim 16, Gifford has taught the instruction set of claim 15, as described above, and wherein the instruction further causes the data paths to save a current state of the PE

Art Unit: 2183

states prior to the establishing (Column 14, lines 36-48, Figure 4, A state is saved in the virtual processor base register, element 56.).

10. Referring to claim 17, Gifford has taught the instruction set of claim 14, as described above, and wherein the conditional processing includes an else-processing block (Gifford, Figure 11, column 16, lines 32-64, see ALTERNATIVE code.).

11. Referring to claim 18, Gifford has taught the instruction set of claim 14, as described above, and wherein the branching is not performed if the program is deterministic (This is inherent in Gifford as the program is deterministic by definition when the code is not branched around.).

12. Claims 8 and 12 do not recite limitations above the claimed invention set forth in claim 14 and are therefore rejected for the same reasons set forth in the rejection of claim 14 above.

13. Referring to claim 9, Gifford has taught the method of claim 8 wherein determining further comprises:

a. determining whether the program is non-deterministic (This is inherent in Gifford as Gifford branches around code, so therefore the program is determined to be non-deterministic in order to perform the branching.).

14. Claims 11 and 13 do not recite limitations above the claimed invention set forth in claim 18 and are therefore rejected for the same reasons set forth in the rejection of claim 18 above.

***Allowable Subject Matter***

15. Claims 1, 2, 3, 4, 5, 6, and 7 are allowed.

Art Unit: 2183

16. Claims 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


*Conclusion*

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonia L Meonske whose telephone number is (703) 305-3993. The examiner can normally be reached on Monday-Friday, 7-4:30, with every other Friday off.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie P Chan can be reached on (703) 305-9712. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

tlm  
November 13, 2003

  
RICHARD L. ELLIS  
PRIMARY EXAMINER